

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

RAVGEN, INC.,

Plaintiff,

v.

LABORATORY CORPORATION OF
AMERICA HOLDINGS,

Defendant.

Civil Action No. 6:20-cv-00969-ADA

JURY TRIAL

(REFILED PER CLERK'S NOTICE)

PLAINTIFF'S UNOPPOSED MOTION FOR ENTRY OF JUDGMENT

Pursuant to Federal Rule of Civil Procedure 58(d), Plaintiff Ravgen, Inc. ("Ravgen") requests that this Court "promptly approve" and enter judgment in favor of Ravgen, based on the jury verdict rendered on September 23, 2022 (Dkt. 222). *See* Fed. R. Civ. P. 58(b)(2). A proposed form of judgment is attached.

Rule 58(b) requires judgment to be "promptly" entered following the jury verdict. *See id.*; *Burnley v. City of San Antonio*, 470 F.3d 189, 194-95 (5th Cir. 2006).¹ The entry of judgment does not waive the parties' post-trial motions, and instead merely triggers the deadlines for those motions as specified in the Federal Rules of Civil Procedure. Following the Court's entry of judgment, the parties expect to file their post-trial motions as outlined below:

- Ravgen expects to file a proposed bill of costs pursuant to 35 U.S.C. § 284 and Fed. R. Civ. P. 54(d)(1), no later than 14 days after entry of judgment as required by Local Rule CV-54;

¹ *See also, e.g., Caddo Sys., Inc. v. Microchip Tech. Inc.*, No. 6:20-cv-00245-ADA (W.D. Tex.) (jury verdict on June 10, 2022, Dkt. 235; judgment on June 14, 2022, Dkt. 238); *Koninklijke KPN NV v. Telefonaktiebolaget LM Ericsson*, No. 2:21-cv-00113-JRG (E.D. Tex.) (jury verdict on Aug. 26, 2022, Dkt. 246; judgment on Sept. 6, 2022, Dkt. 262).

- Ravgen expects to file a motion for attorneys' fees pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54(d)(2), no later than 14 days after entry of judgment as required by Local Rule CV-54;
- Ravgen expects to promptly file a motion for enhanced damages pursuant to 35 U.S.C. § 284, no later than 28 days after entry of judgment;
- Ravgen expect to promptly file a motion to amend the judgment, e.g., to include a declaration that Claim 132 is not invalid, and to include supplemental damages through the date of judgment, an ongoing royalty through expiration, and prejudgment and post-judgment interest, no later than 28 days after entry of judgment as required by Fed. R. Civ. P. 59(e);
- Labcorp stated that it expects to file a renewed motion for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(b), a motion for new trial pursuant to Fed. R. Civ. P. 59(b), and/or a motion to alter or amend judgment pursuant to Fed. R. Civ. P. 59(e), which are due no later than "28 days after the entry of judgment." *Id.*

CONCLUSION

Ravgen respectfully requests that this Court promptly enter judgment in substantially the form enclosed.

Dated: September 29, 2022

By: /s/ Frederick J. Ding
Deron R. Dacus (State Bar No. 00790553)
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Phone: (903) 705-1117
Fax: (903) 581-2543
ddacus@dacusfirm.com

John M. Desmarais (*pro hac vice*)
Kerri-Ann Limbeek (*pro hac vice*)
Jamie L. Kringstein (*pro hac vice*)
Benjamin N. Luehrs (State Bar No. 440317)
Kyle G. Petrie (*pro hac vice*)
Joze Welsh (*pro hac vice*)
Jun Tong (*pro hac vice*)
Frederick J. Ding (State Bar No. 5651633)
Deborah J. Mariottini (*pro hac vice*)
DESMARAIS LLP
230 Park Avenue
New York, NY 10169
Telephone: 212-351-3400
Facsimile: 212-351-3401
jdesmarais@desmaraisllp.com
klimbeek@desmaraisllp.com
jkringstein@desmaraisllp.com
bluehrs@desmaraisllp.com
kpetrie@desmaraisllp.com
jwelsh@desmaraisllp.com
jtong@desmaraisllp.com
fding@desmaraisllp.com
dmariottini@desmaraisllp.com

Attorneys for Plaintiff Ravgen, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on September 29, 2022.

/s/ Frederick J. Ding